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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,365	08/23/2005	Jean-Christophe Amiel	0002060USU/2278	9862
27623 7590 04/16/2008 OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901				
EXAMINER EL-ZOOBI, MARIA				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/524,365

**Applicant(s)**

AMIEL ET AL.

**Examiner**

MARIA EL-ZOOBI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-10 and 12-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 06/22/2005

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9-10 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation: (including "local" window), is indefinite and not clear if the limitation "local" is required or not, because this word has been represented in connotation. Also claim 9 recites the limitation: (second "distant" window), is indefinite and not clear if the limitation "local" is required or not, because this word has been represented in connotation.

Claim 9 also recite the limitation: (a file of movement in said), it is not clear what this limitation trying to define; Examiner will interpret the limitation as best understood.

Claims 10 and 13 are rejected as being depended on a rejected claim9.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4- Claims 1-5, 7-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canova (US Patent 6,906,741) in view of Lee (US Patent 6,792,048) and further in view of Ataras (US Patent 5,668,738).

Regarding claim 1, Canova discloses, a method of broadcasting data files, including multimedia files during a video conference communication (Col. 5, lines 43-52) from a sending terminal able to establish communication (Fig. 1, el. 10) with at least one receiving terminals (Fig. 6 and 7) said at least one receiving terminals having audio and video sources (Fig. 1, el. 20, 30, 40 and 50 also see Col. 5, lines 1-16)

implementing a dialogue, when the said video conference communication is established between said sending terminal and the said at least one receiving terminal (Col. 5, lines 28-35), the devices will utilize a variety of communication protocol to enable the communication between them (Col. 8, lines 29-36; the devices communicate using IEEE 802.11 which specifies the set of standard used between the devices)

wherein said broadcasting of said data files by said sending terminal is carried out in real time with said video conference communication without breaking said video conference communication (Col. 5, lines 40-52 and Col. 6, lines 9-10 and 26-28)

wherein said sending terminal has a video capture source (Fig. 1, el. 50) and wherein said video capture source issues a video that is decoded and then coded according to a video coding standard (Col. 6, lines 29-40; coding based on MPEG format).

Canova does not expressly teach that the terminals negotiate the communication parameters as claimed.

In similar art of endeavor, Lee discloses, two communication terminal having a video conferencing (Col. 1, lines 9-10), when these two terminals wants to start communicating, negotiation about at least communication parameters for compliance with constraints that are fixed for audio and video channels opened for said video conference communication and for said at least one receiving terminal (Col. 8, lines 36-67) and the video will be transfer based on the negotiated video coding standard (Col. 7, lines 49-64 and Col. 5, lines 1-37).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made, to modify Canova method with Lee teaching, so the terminals negotiate the communication parameters, in order to ensure a reliable transmission between terminals, so when a terminal received a multimedia file, it will be able to open it.

Canova in view of Lee discloses that the video and audio feed which is being transfer with the video conference simultaneously are being a portion of a videoconferencing feed (Canova: Col. 2, lines 50-55 and Col. 9., lines 40-46)

Canova in view of lee does not expressly discloses that the video being capture with the camera is being mixed in real time with a video of a multimedia file to be broadcast and that the broadcasting of multimedia file is being done using same audio and video channels used for videoconferencing.

Ataras in similar art of endeavor discloses, videoconferencing communication and the same time transmitting a data file over the same channel using a mixer (Col. 3, lines17-22, 36-49 and 53-56).

Therefore, it would have been obvious to one with ordinary skill in the art, to modify Canova in view of Lee with Ataras teaching, in order to have a videoconferencing channel between parties and using the same channel to transmit multimedia file in order to save bandwidth.

Regarding claim 2, Canova in view of Lee and further in view of Ataras discloses, another parameter negotiated, wherein said another parameter is the bandwidth allocated for said audio and video channels of said video conference communication, wherein said multimedia file are broadcast in compliance with said bandwidth (Ataras: Col. 3, lines 53-55 and Lee: Col. 8, lines 63-64).

Regarding claim 3, Canova in view of Lee and further in view of Ataras discloses, another parameter that consists of the frequencies of the audio and video streams of streams captured by said audio and video sources, wherein said multimedia files are broadcast in compliance with said frequencies (Lee: Col. 7, lines 7-25 and Col. 8, lines 60-65 and Col. 6, lines 30-50).

Regarding Claim 4, Canova in view of lee and further in view of Ataras discloses, another parameter wherein said another parameter is a frame size of the broadcast images, wherein images issuing from said video sources and from said multimedia file complying with said frame size (Lee: Col. 5, lines 14-38).

Regarding claim 5, Canova in view of lee and further in view of Ataras discloses, another parameter, wherein another parameter is an audio coding standard for the-bit

streams of said sources, and wherein bit streams of said multimedia file coded with said video coding standard and said audio coding standard (Lee: Col. 5, lines 15-38 and Col. 6, lines 30-50).

Regarding claim 7, Canova in view of lee and further in view of Ataras discloses, said sending terminal has an audio capture source that issues audio data (Canova: Fig. 1, el. 30) wherein said multimedia file to be broadcast includes audio data (Canova: Col. 5, line 50) and wherein said audio data of said multimedia file are decoded and mixed in real time with said audio data issuing from said audio capture source and then coded according to said audio coding (see claim 1 analysis).

Regarding claim 8, Canova in view of lee and further in view of Ataras discloses, said broadcasting is implemented by a program execution that is launched with a man/machine interface implemented in said sending terminal (Canova: Col. 10, lines 21-26 and Col. 5, lines 30-37).

Regarding claim 9, Canova in view of lee and further in view of Ataras discloses, a computer terminal implementing a video conference during which data files are broadcast (Canova: Fig. 2, el. 100) said terminal comprising:

an interface including a graphical representation means for displaying several windows (Canova: Col. 4, lines 9-15, Fig. 4, el. 348, 334, 314), including a "local" window for displaying during said video conference communication (Canova: Fig. 2, el.

114 and Fig. 4, el. 314) a local video image broadcast to at least one distant terminals (Canova: Fig. 4, el. 314 in both 310 and 340) and at least one second "distant" window for displaying at least one video image issuing from a said at least one distant terminal (Canova: Col. 7, lines 60-66 through Col. 8, lines 1-7) wherein said graphical representation display can display at least one other window for revealing, data files, including multimedia files, available from said computer terminal (Canova: Fig. 4, el. 348 and 332), and wherein said interface also includes a logic module for coupling between operations of selecting a file of movement in said "distant" window and of a launch by said interface of a program allowing the broadcast of said file in real time with a current video conference communication without breaking said current video conference communication (Canova: Col. 5, lines 39-52, lines 60-66 and Col. 7, lines 10-20; since the user interface allow the user from switching between windows and sharing a file during a conferencing, it is inherent that the interface include a logic to enable these features) using the audio and video channels open for said current video conference communication (Ataras: Col. 3, lines 45-47).

Regarding claim 10, Canova in view of lee and further in view of Ataras discloses, said interface is implemented with a computer program launched by said computer terminal (Canova: Col. 6, lines 41-65; implementing the selected interface is being done with choosing a functionality key, which inherently will launch a program to accomplish the desired function).



Regarding claim 12, Canova in view of lee and further in view of Ataras discloses, computer program located in each terminal participating in a video conference, wherein said computer program implements a broadcasting method and wherein said computer program is launched by a man/machine interface located in each terminal (Canova: Col. 10, lines 21-26 and Col. 7, lines 7-20).

Regarding claim 13, Canova in view of lee and further in view of Ataras discloses, wherein said at least one other window can display data files as icons (Canova: Col. 6, lines 34, line 58).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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